

To the Honorable Stephen R. Reed, Mayor:

I am pleased to enclose the Law Bureau=s annual report for 2006.

Very truly yours,

Steven R. Dade
City Solicitor

**ANNUAL REPORT
OF THE LAW BUREAU
OF THE CITY OF HARRISBURG
2006**

The City Solicitor and his staff perform a myriad of duties, encompassing all facets of trial practice including courtroom litigation, administrative hearings, grievance hearings, appellate argument, and minor criminal prosecutions. The Law Bureau drafts legislation, contracts and other agreements for the various City departments and reviews those generated by individuals and companies seeking to do business with the City. The Solicitor responds to request for formal opinions from elected officials and department supervisors. The Law Bureau keeps a record of all tort claims filed against the City and litigation and administrative proceedings to which the City is a party. The City Solicitor or a designee attends all Legislative and Non-Legislative meetings of City Council as well as committee meetings upon request.

The year 2006 saw the departure of Assistant City Solicitor Craig Dietz, Deputy City Solicitor Beth Ann Gabler and the retirement of Senior Paralegal Emily Schaffer. Philip J. Harper was promoted from Assistant City Solicitor to Acting Deputy City Solicitor and Christina Hinkson and Nicole Decker were hired to fill the two vacant Assistant City Solicitor positions.

I. LITIGATION

As of November 1, 2006, there were twenty-eight (28) open litigation matters being handled by outside counsel, fifteen (15) automobile and thirteen (13) general liability. The number of cases handled by outside counsel in which the plaintiff seeks monetary damages that are covered by insurance decreased. The Law Bureau noticed no significant change in the number of summary prosecution cases, i.e., parking or codes enforcement violations which went to trial. Among the more time consuming and/or significant of these cases were the following:

SUMMARY PROSECUTIONS:

Capozzi, Louis Jr. – 2309 Penn Street, 239 Woodbine Street, and 2011 Green Street. Property maintenance code violations. Equity action filed (2006-CV-139) regarding Green Street property. Agreement reached whereby property transferred and brought into compliance by 3rd party.

Epps, Wilbert D. – 2146 N. 6th Street. 203 SA 2006, 204 SA 2006, 205 SA 2006, 206 SA 2006. Scheduled for Misc. Ct. on 10/18. Property brought into compliance with property maintenance code and plea agreement with Defendant's counsel.

Garrison, Brian O. – 1504 Green Street. 155 SA 2006. Scheduled for Misc. Ct. 8/16/06. Property brought into compliance with property maintenance code and plea agreement with Defendant's counsel.

HEM Management and Ebbin L. Mallory - 101 S. Summit Street (15 SA 2004 and 16 SA 2004) 04/15/04 Hearing held. DJ gave 90 days to get structural analysis & begin repair. 07/8/04 No permits, no analysis. Contempt drafted 07/18/04 and on 7/26/04 contempt with motion for rule absolute filed. Has until 8/11 to answer. Rule filed 8/18/04. No answer, so court made rule absolute 9/3/04. Has 30 days to demolish. 10/18/04 still no action. Will file for contempt hearing. Motion for contempt filed 11/10/04. 11/18/04 Hearing scheduled 12/2/04 at 11:00. Hearing rescheduled for 3/1/05. Judge signed order for Mallory to get permits and begin work within 30 days.

Hill, Thomas – CR-109-06. Preliminary hearing scheduled for 4/24/06 for one count of Housing Code Avoidance for property at 1125 Derry St. 4/20/06 spoke with Mark Fenice, attorney for Hill. He indicated that he just got the case and would like a continuance. Told his I would check with Codes and get back. Codes unwilling to agree to continuance b/c of the condition of the property. 4/24/06 showed up at DJ Stewart's. Mr. Hill present but not Mr. Fenice. Stewart ill so case continued. Called Fenice left v/m telling him of continuance. 5/16/06 Hill and atty Mark Fenice agreed to waive the preliminary hearing. Case held over for criminal court. DA to handle before Dauphin County Court of Common Pleas.

Jackson, Orville - 2318 N 5th St., 198 SA 2006. Appealed decision 8/7/06. Scheduled for Misc. Ct. 10/18. Continued until Dec Misc Ct on 12/20/06. 12/12/06 Left message for Linda Thompson (Commonwealth witness and adjoining property owner) with hearing date as she indicated she wants to testify. 12/20/06 O.J. entered nolo plea and agreed to pay full fine plus costs.

Kenley, William Mack, c/o Cammack, Linda – 622 Maclay Street. 122 SA 2006. Scheduled for Misc. Ct. on 9/20. Citation for failure to comply with Condemnation Order No. 2005-031, issued 2/22/05. Motion to Withdraw Condemnation Order and Citations submitted at hearing as part of plea agreement, property now being renovated.

Lewis, Art – 357 SA 2005. 126 Sylvan Terrace. Appeal from conviction and \$50 fine for trash and debris. Hearing scheduled for 4/12/06. Intern- Stephanie Luff to handle case. J. Bratton sustained the guilty finding and \$50 fine.

Mitchell, Janet - 216 SA 2006 - Appeal from MDJ for failure to comply with condemnation order. Filed Motion to Dismiss as untimely 10/3/06. Order from court giving Mitchell 10 days to respond (due 10/16). 10/19/06 filed Motion to make rule absolute. Order dismissing with prejudice 10/20/06.

Monismith, Peter - 410 S. 13th St. Hearing at DJ Zozos for failure to pay for demolition scheduled 4/5/05. 4/5/05 hearing continued until defendant returns from Iraq.

Negron, Jimmy - 2528 N 6th St. 192 SA 2006, 193 SA 2006, appealed MDJ decisions 8/2/06. Filed motion to dismiss as untimely 9/28 (both docket #s). 9/29/06 Judge issued order directing Def. to file answer w/I 10 days. due on 10/01/06. No response from Negron. filed motion to make rule absolute/dismiss case on 10/12/06. Order dismissing with prejudice 10/13/06.

Smith-Wills, Andean – 9 SA 2006. 1346 Liberty Street. Appeal from 2 convictions for failure to comply with Condemnation Order and \$1,000 fine on each. Hearing scheduled for 4/12/06. Case continued by Court until 5/17/06. Matter resolved as part of larger plea agreement.

Smith-Wills, Andean –CR-110-06. Preliminary hearing scheduled for 4/24/06 for three counts of Housing Code Avoidance for properties at 114 S. 13th St., 1346 Liberty St., and 1652 Market St. Market St. should constitute an M1 for five violations. Resolved as part of larger plea agreement.

Washington, Victor - 278 SA 2004. 2564 Lexington Street. Appeal from Summary Conviction for failure to comply with lawful order to demolish collapsing structure. Citation was issued 8/11/98 and the summons was not returned, so it went to warrant. Property demolished in 1999 by City. Warrant served in 2003 and hearing held on 10/2/03. Pianka found him guilty and fined him \$1,000. Pianka also made a contempt finding and ordered him to pay restitution to the City in amount of \$19,400 for demolition of property. Washington failed to appear at 9/9/04 hearing. Judge Clark reinstated judgment and sentence of restitution instituted by DJ.

LITIGATION

Anderson, Charles, Jr. v. Harrisburg Bureau of Police – PHRC Docket No. 200500533/EEOC Docket No. 17FA563118. EJS faxed to St. Paul 10/19/05. Although Complaint was verified, City never received service. Therefore PHRC granted extension to answer Complaint to 10/31/05. St. Paul retained Frank Lavery to provide a defense for City defendants. Complainant alleges race and overtime discrimination. Due to being charged with conduct unbecoming a police officer, that is, he subdued and beat a person with an Asp. Anderson was reassigned to the Booking Desk and states he was denied overtime. He alleges white officers charged with the same behaviors were not assigned to positions that affected their privilege to work overtime. Awaiting probable cause determination.

Anderson, Charles, Jr. v. City of Harrisburg, Bureau of Police –PHRC Docket No. 200600825, EEOC No. 17FA662652. City received Complaint 09/11/06. Faxed Complaint to St. Paul 09/15/06. Peter Zangardi of St. Paul assigned the case to Frank J. Lavery, Esquire. Complaint alleges harassment (different treatment). Anderson alleges he was discriminated against for filing a prior Complaint and treated differently than other employees. He alleges Respondent's actions were retaliatory because he was told if he dropped the Complaint with PHRC Respondents would drop all charges they had against him.

Bair, Annemarie L. v. City of Harrisburg, Bureau of Police - PHRC Docket No. 200407111/EEOC Docket No. 17FA562039. Complaint alleges sexual harassment and sex discrimination. Fact Finding Conference 08/03/05 at 1:30 p.m. Sent to St. Paul 06/06/05. St. Paul retained Frank Lavery, Esquire. 09/30/06 awaiting probable cause determination.

Brown, Philip C. v. Harrisburg Bureau of Police, et al. – Dauphin County Court of Common Pleas, Docket No. 2005-CV-3934. 10/31/05 City received service of Complaint. Faxed to St. Paul on 11/03/05. Complainant alleges harassment, assault, emotional distress, loss of constitutional rights and fraud among other things. Complaint stems from the issuance of a parking ticket 09/19/03. Answer due 11/18/05. St. Paul assigned case to Frank Lavery, Esquire. 12/22/05 Lavery filed Motion to Dismiss Amended Complaint which was filed in U.S. Middle District Court of PA – Docket No. 1-05-CV-02407. 12/22/05 Lavery filed Brief in Support of Motion to Dismiss. Lavery has the file on a 60-day diary. 01/18/05 PHRC issued a ruling of no probable cause and has determined that the complaint should be dismissed. Complainant has ten (10) days to request a preliminary hearing and assuming such a request is not filed, the file may be closed but should be retained until the statute of limitations expires on 01/18/07.

Evans, Bryan

CASE & DOCKET Brian W. Evans v. City of Harrisburg - Bureau of Sanitation

NUMBER: P.H.R.C. No. E-74171-D

DEPARTMENT: Department of Public Works

OUTSIDE COUNSEL: Frank Lavery of Lavery, Faherty, Young & Patterson.

CLAIM: Brian Evans alleges wrongful discharge due to failure to accommodate disability (broken heel).

STATUS: 08/29/95 City received Complaint. Sent to insurance (Fireman's Fund) 9/15/95. Answer to Complaint due 09/25/95. Still pending probable cause determination. As of 06/10/97, still awaiting determination of probable cause. We are still awaiting a determination by the Commission as to whether a Complaint can establish a Prima Facie case of discrimination in this matter. If so, the matter will proceed to the public hearing stage before PHRC. 09/30/06 pending probable cause determination.

Harris, Michael v. Officer Owens, et al. – U.S. Middle District Court of PA, Docket No. 3:05-CV-2252. City received service of pro se Complaint 01/06/06. Faxed to St. Paul who assigned David Karamessinis, Esquire, to represent City Defendants. Plaintiff was arrested 08/30/04 for robbery, force resisting arrest, tamper with/fabricate physical evidence, use/possession with intent to use drug paraphernalia. Complaint alleges Officer Owens used a taser gun three times which caused his heart to malfunction.

Jones, Theresa L.

CASE & DOCKET Theresa L. Jones v. Bureau of Human Resources

NUMBER: H.H.R.C. No. E-498-01

DEPARTMENT: Department of Human Resources

OUTSIDE COUNSEL: Frank Lavery of Lavery, Faherty, Young & Patterson.

CLAIM: Theresa Jones alleges discrimination in that she applied for a position she was qualified for, but was denied the position because of her race: black, and a negative credit report.

STATUS: 10/16/01 Bureau of Human resources received a copy of the Complaint. On 10/23/01, Coregis Insurance Company was notified of claim. Under Coregis policy, there is no coverage until decision is appealed to the Courts. Therefore, the City can assign counsel. Motion to Dismiss filed. As of 12/23/02, no ruling on Motion to Dismiss. Case pending probable cause determination. 09/28/06 probable cause determination still pending.

Mills, Darryl v. City of Harrisburg, Office Blasko, and Officer Bair - US Middle Dist.; Case No. 1:CV-06-882. Filed 4/27/06. Served by Dauphin Co. Sheriff on 8/24/06. Faxed to St Paul Travelers on 8/24/06. Answer due on or before 9/13/06. Plaintiff alleges civil rights violation (1st, 4th, 5th, and 14th Amendments) by City of Harrisburg for false arrest and false imprisonment, among others. Defendant was arrested for patronizing a prostitute after exiting a bar at Susquehanna and Verbeke St. Complaint alleges Plaintiff Mills and Brooks were approached by Officer Bair who was working undercover as a prostitute. 09/26/06 filed Answer to Complaint.

Pritula, Janet L. - PHRC Docket No. 200406957/EEOC Docket No. 17FA561987. City received Complaint 05/06/05 and faxed to St. Paul. Plaintiff alleges sexual harassment and sex discrimination. Plaintiff was hired by Respondent on or about 07/31/00 as an Operator 1 and promoted to Operator IV on or about May of 2004. From September of 2002 she alleges she was treated in a sexually offensive and hostile manner by a male manager and a male co-worker. St. Paul retained Frank Lavery, Esquire. On 09/29/06 Lavery informed the City PHRC dismissed the Complaint because the facts of the case do not establish the existence of probable cause to credit the allegations of unlawful discrimination.

Terrell, Lisa and Garwood, Naidea v. City of Harrisburg, Bureau of Police, et al., U.S. Middle District of PA, Docket No. 1-CV-06-1004. BACG/EJS. Case filed with Court 05/17/06. Plaintiff Lisa Terrell filed charges of race discrimination against Defendants with the District Office of Equal Employment Opportunity Commission, Charge No. 17FA562949. Plaintiff Garwood filed charges of race discrimination against Defendants with the District Office of the Equal Employment Opportunity Commission, Charge No. 17FA562947. Each Plaintiff received a Notice of Right to Sue within 90 days from the U.S. Justice Department. Both worked at Police Communications Center. Both were required to answer emergency 911 calls and non-emergency calls. Both were terminated for violating standard work rules, resulting from a woman calling to report her child missing. Violating the work rules is defined as an egregious act of negligence which results, or has the potential to result, in bodily harm or financial loss to the City. Also defined as behavior not consistent with management's expectations. Plaintiffs seek injunctive relief, compensatory and punitive damages. St. Paul retained Frank Lavery, Esquire, to defend the City Defendants.

Ware, Litho Sr. v. City of Harrisburg, Bureau of Police - PHRC Docket No. 200404590/EEOC Docket No. 17FA561261. City received Complaint 03/04/05 and faxed to St. Paul. 03/07/05 dual filed with HHRC, Docket No. 543-05-D, who has elected to have PHRC process claim. HHRC will not conduct a Fact-Finding Conference, but requires a response to the Complaint. 03/08/05 faxed HHRC Complaint to St. Paul. St. Paul retained Frank J. Lavery, Jr., Esquire, to defend City defend Mr. Ware alleges discrimination and states he is presently a police officer with the City and a Warrant Officer in the PA National Guard. He claims on 10/06/04 he was required to report to Fort Still, beginning 11/07/04 through 01/28/05 for training. He requested leave without pay for this period. He claims 01/03/05 City's Chief of Police put him on military leave with pay for fifteen (15) days and was not given a reason for this action. He states per the Collective Bargaining Agreement he is entitled to select the time to use this leave. He claims he did not select this period of time. He alleges white male officers were afforded the opportunity to select when they would use their (15) days of paid military leave. Therefore, being an African American, he alleges discrimination in violation of the PA Human Relations Act 43 P.S. 951-963As of 09/28/06, still awaiting probable cause determination by PHRC.

Ware, Litho D. Sr. v. City of Harrisburg, Bureau of Police -BACG/EJS. PHRC Case No.

200406458/EEOC Case No. 17FA561809. City served Complaint 05/02/05. Answer filed 06/24/05. Complaint faxed to St. Paul 06/16/05. Ware filed race discrimination suit. Alleges discrimination because he was assigned to the Booking Room after he filed a prior PHRC suit. No other Corporal/Supervisor has been assigned to the Booking Room prior to his initial filing with PHRC. As of 09/28/06, still awaiting probable cause determination.

Williams, Joseph K. v. City of Harrisburg Bureau of Fire

CASE & DOCKET Joseph K. Williams v. City of Harrisburg Bureau of Fire

NUMBER: 1:CV-03-2339 filed in Federal Court.

DEPARTMENT: Fire Bureau

OUTSIDE COUNSEL: Frank Lavery and James Young of Lavery, Faherty, Young & Patterson.

CLAIM: Complainant alleges he was separated 10/31/01 from his employment as Logistic Specialist with PA Task Force One Harrisburg Rescue One in the aftermath of September 11th tragedy by a memo from the Harrisburg Fire Bureau alleging excessive cell phone usage and lack of initiative to keep other Logistic Specialists. The Complaint alleges intentional racial discrimination and Plaintiff asserts emotional distress, humiliation, embarrassment, as well as loss of future earning power, back pay, front pay and interest.

STATUS: City received Complaint 01/08/04. Answers due 01/28/04. Faxed complaint to Coregis 01/09/04. Coregis retained Frank Lavery. Faxed complaint to St. Paul per City's Insurance Risk Office

Williams, Joseph K. v. City of Harrisburg, Bureau of Fire - PHRC Docket No.

200502011/EEOC No.17FA660776. BACG/EJS. Faxed to St. Paul 02/14/06. Fact-Finding Conference to be held on 04/18/06 at 9:30 a.m. at PHRC Regional Office. St. Paul denied coverage. Case being handled by Law Bureau. As of 10/24/06, awaiting probable cause on PHRC Case.

11. BANKRUPTCIES

At the end of 2006, the City had approximately four hundred (400) open bankruptcy cases.

During 2006 the Court discharged or dismissed one hundred and thirty nine (139) cases.

Some of the noteworthy cases are as follows:

1. Brice, William Henry – 06/21/06 filed Answer to Debtor's Complaint requesting that the Court deny Plaintiff's request to enjoin the City of Harrisburg from demolishing the property at 2547 North 6th Street. 09/28/06 Plaintiff withdrew Complaint No. 1:06-ap-00091 to Enjoin the City of Harrisburg from proceeding with Demolition of Property at 2547 North 6th Street.
2. Johnson, Gregory - Debtor filed Objection to City's Proof of Claim. Dauphin County amended its Proof to include the City's current tax claim in amount of \$1,266.45. After contacting the County Solicitor, it was found that this is an isolated case. The County's Proof of Claim should not have been amended to include the City's current tax claim. The County files only delinquent tax claims. The City's tax claim will remain on the County's Proof. Therefore, the City amended its Proof to reflect utility charges only.
3. Kanoff, Violet – City objects to Amended Plan. Asks Debtor to ascertain the value of liquor license or other assets which may have value. Filed objection 08/26/03. 09/24/03 T/c w/ D. Mott, they filed an amended plan, so we need to refile our objection. 09/23/03 Hearing cancelled. Mott to file Amended Plan. City seeks liquor license. Mott needs us to file Motion to Lift Stay. Motion filed 10/03 & granted. 10/21/03 court ordered that the automatic stay of collection proceedings be lifted for purpose of transferring liquor license # R00223 to the City in satisfaction of City's claim.

III. MAJOR PROJECTS

The Law Bureau played a significant role in several major projects, which were either undertaken or continued in 2006:

1. Artifacts – Law Bureau worked closely with the Administration and City Council regarding the sale of City owned artifacts.
2. Internal Revenue Audit, General Obligation Refunding Bonds, Series D of 1997 – The Law Bureau resolved this matter, Bonds remained tax exempt.
3. Police Pension Board - Law Bureau attended all monthly meetings of the police pension board and provided legal counsel.
4. Police/Fire Civil Service Boards - Law Bureau attended all scheduled meetings of the respective boards and provided legal counsel.
5. PHRC Police Study – Law Bureau has worked closely with the Bureau of Police and the Administration regarding a cooperative review of the Police Bureau by the PHRC.
6. TRAN – Law Bureau assisted in the issuance of a Tax and Revenue Anticipation Note due to the City's operating deficit.

IV. LEGISLATION

In the year 2006, Council introduced a significant number of Ordinances and Resolutions.

BILLS/ORDINANCES:

1. **Bill No. 6-2006** – An Ordinance amending and renumbering Title 3-345 of the Codified Ordinances of the City of Harrisburg, entitled “Weapons and Explosives” in order to ban the possession of assault weapons within the City of Hbg. And provide for penalties of violation thereof.
2. **Bill No. 7-2006** – An Ordinance amending Section 7-311.6 of the Codified Ordinances of the City of Hbg. Entitled “Special Planned Development District (SPD),” to allow the following within the SPD: the construction of high-rise residential buildings and the expansion of the height limitation from 45 feet to 100 feet on Front St between Verbeke and Maclay Sts., the use of multi-family residential units within existing buildings, the use of hotels within existing buildings, the use of restaurants in new or existing buildings, the establishment of a

minimum Floor Area Ratio of 3.0, and the creation of a series of Floor-Area-Ration development incentives to be granted through the Zoning Hearing Board.

3. **Bill No. -2006** – An Ordinance amending Section 8-103.14 of the Codified Ordinances of the City of Harrisburg, to prohibit current City employees from being appointed voting members of the Electrical Code Advisory and License Board.
4. **Bill No. -2006** – An Ordinance amending Section 8-105.7 of the Codified Ordinances of the City of Harrisburg, to prohibit current City Employees from being appointed voting members of the Board of Plumbing.
5. **Bill No. -2006** – An Ordinance amending Section 7-331.4 of the Codified Ordinances of the City of Harrisburg, to prohibit current City Employees from being appointed voting members of the Historic Architectural Review Board.
6. **Bill No. -2006** – An Ordinance amending Section 7-101.2 of the Codified Ordinances of the City of Harrisburg, to prohibit current City employees from being appointed voting members of the Planning Commission.
7. **Bill No. 18-2006** - An Ordinance amending Chapter 3-139 of the Codified Ordinances of the City of Harrisburg to extend the Southern most boundary of the Shipoke I and II Residential Parking Zones to include the North and South sides of the 100 block of Hanna Street and thereby prohibiting parking Monday through Friday between the hours of 9:00 a.m. to 10:00 a.m. and 4:00 p.m. to 5:00 p.m. for unpermitted vehicles. 07/11/06 Chair placed this item in Public Works Committee for further review. Passed 10-24-06.
8. **Bill No. 16-2006** - An Ordinance amending Chapter 3-109 of the Codified Ordinances of the City of Harrisburg to modify the Traffic Control Map allowing the installation of two (2) stop signs: one on North 4th Street north bound and one on North 4th Street south bound at the intersection of North 4th and Kelker Streets. Stop signs currently exist on Kelker Street east and west bound. This would create a four way stop sign system at the intersection of North 4th and Kelker Streets.
9. **Bill No. 17-2006** - An Ordinance reducing the speed limit from 35 MPH on 4th Street between Reily Street and Division Street to 25MPH coincidentally with consideration of the Stop sign installation at the intersection of N. 4th Street and Kelker Street.
10. **Bill No. 19-2006** - An Ordinance amending Title Eight of the Codified Ordinances of the City of Harrisburg by increasing the fees charged for electrician and plumbers' licenses and amending the license examination requirements. 09/12/06 Chair placed in the Public Works Committee for further review. Passed on 11-28-06

11. **Bill No. 20-2006** - An Ordinance amending Section 7-311.6 of the Codified Ordinances of the City of Hbg. entitled “Special Planned Development District (SPD)”, to allow the following within the SPD: the use of hotels within existing buildings in excess of 30,000 sq. ft. and the use of restaurants by special exception in new or existing buildings, and amending Section 7-311.8 of the Codified Ordinances of the City of Hbg. a hotel by special exception within the CCG. 09/12/06 Chair placed in the Economic Development Committee. Amended in committee: An Ordinance amending Section 7-311.6 of the Codified Ordinances of the City of Harrisburg, entitled “Special Planned Development District (SPD),” to allow the use of a hotel by special exception within the SPD not be located along the Front Street right of way, and amending Section 7-311.8 of the Codified Ordinances of the City of Harrisburg, entitled “Community Commercial General Zone (CCG),” to allow the use of a hotel by special exception within the CCG.
12. **Bill No. 21-2006** – An ordinance amending Chapter 3-109 of the Codified Ordinances of the City of Harrisburg to modify the Traffic Control Map allowing the lowering of the posted speed limit to twenty-five miles per hour (25 mph) on Fulton Street between Verbeke and Maclay Streets, of North 4th Street between Verbeke Street and City Line, and of North 3rd Street between Chestnut and City Line; the conversion of Fulton Street between Reily and Maclay Street to one-way traffic northbound; the conversion of Granite Street between 2nd and 6th Streets to one-way traffic traveling eastbound; and the installation of ten (10) stop signs: one on Fulton Street northbound at the intersection of Fulton and Granite Streets, one on Granite Street eastbound at the intersection of Granite Street and Rhoades Alley, one on North 4th Street northbound at the intersection of Kelker Street and North 4th Street, one on North 4th Street southbound at the intersection of Kelker Street and North 4th Street, one on N. 4th Street northbound at the intersection of Hamilton Street and North 4th Street, one on N. 4th Street southbound at the intersection of Hamilton Street and North 4th Street, one on N. 4th Street northbound at the intersection of Harris Street and North 4th Street, one on N. 4th Street southbound at the intersection of Harris Street and North 4th Street, one on Reily Street northbound at the intersection of Reily Street and North 4th Street, and one on Reily Street southbound at the intersection of Reily Street and North 4th Street. These changes will facilitate the continuing development and protect the health, safety and welfare of the new Capitol Heights community. Submitted to City Clerk 9/12/06. Amended in Public Works Committee on 10/12/06 to exclude “the conversion of Granite Street between 2nd and 6th Streets to one-way traffic traveling eastbound.”
13. **Bill No. 22-2006** - An Ordinance replacing Chapter 9-900 of the Codified Ordinances of the City of Harrisburg entitled “Storm Water Management” by adopting “Spring Creek and Paxton Creek Watershed Act 167 Stormwater Management Plan”, which was approved and adopted by both the County of Dauphin and the Department of Environmental Protection. 09/26/06 Chair placed in Public Works Committee. Passed on 11/28/06.

14. **Bill No. 23-2006** - An Ordinance providing for an increase in fees charged for various planning and zoning services provided by the City of Harrisburg (“City”).
15. **Bill No. 24-2006** - An Ordinance amending Section 7-311.6 of the Codified Ordinances of the City of Harrisburg, entitled “Special Planned Development District (SPD),” to allow residential high-rise buildings along Front St. between Reily and Maclay Sts., as a Special Exception, to redefine the dimensional requirements within the SPD Zone, to create a development bonus for residential high-rise buildings, and to allow the alteration, expansion or enlargement of lots that abut Front St. or any side street between Front and Second Sts. For any existing buildings to achieve an appropriate and viable reuse that adequately meets modern multi-family needs
16. **Bill No. 25-2006** - An Ordinance creating Chapter 3-367 of the Codified Ordinances of the City of Harrisburg titled “Sexual Offender Residency Restrictions”, whereby the City Council of the City of Harrisburg may authorize residency restrictions for sexual offenders.
17. **Bill No. 26-2006** - An Ordinance amending Chapter 3-333 of the Codified Ordinances of the City of Harrisburg, titled “Curfew
18. **Bill No. 28-2006** - An ordinance amending Chapter 3-109 of the Codified Ordinances of the City of Harrisburg to modify the Traffic Control Map allowing the installation of a traffic signal at the intersection of Commonwealth Street (SR 3031)/North 6th Street and Boas Street. 10/24/06 Chair placed in Public Works Committee. Passed on 11/28/06.
19. **Bill No. 29-2006** - An ordinance amending Chapter 3-109 of the Codified Ordinances of the City of Harrisburg to modify the Traffic Control Map allowing the installation of a traffic signal at the intersection of Seventh Street and Reily Street. 10/24/06 Chair placed in Public Works Committee. Passed on 11/28/06.
20. **Bill No. -2006** - An Ordinance amending Section 7-311.6 of the Codified Ordinances of the City of Harrisburg, entitled “Special Planned Development District (SPD),” to allow residential high-rise buildings along Front Street between Reily and Maclay Streets as a Special Exception, to redefine the dimensional requirements within the SPD Zone, to create a development bonus for residential high-rise buildings, and to allow the alteration, expansion or enlargement of lots that abut Front Street or any side street between Front and Second Streets for any existing building to achieve an appropriate and viable reuse that adequately meets modern multi-family needs.
21. **Bill No. -2006** - An Ordinance amending Section 8-101.3 of the Codified Ordinances of the City of Harrisburg, entitled “Amendments to Adopted Code” allowing for a waiting and notice period before the issuing of a permit for the demolition of structures seventy-five (75) or more years old and in excess of 400 square feet.
22. **Bill No. 32-2006** - An Ordinance authorizing and approving the sale of the McCormick Public Services Center from the City of Harrisburg to the Harrisburg Redevelopment

Authority which authorizes the acquisition by HRA the City's right, title and interest to the McCormick Public Safety Building and after such sale leasing the building back to the City authorizing and directing the incurrence of lease rental debt in the amount of \$10,500,000.00.

23. **Bill No. 33-2006** - An Ordinance providing for an increase in fees charged for services provided by the Harrisburg Authority by amending Section 9-503.7 of the Codified Ordinances. 12/21/06 PASSED by majority vote of 5-2.
24. **Bill No. 34-2006** - An Ordinance amending the Codified Ordinances of the City of Harrisburg Title V, Licensing and Taxation, Part V, Real Estate Taxes, Chapter 5-501, Property Tax, by establishing for the year 2007 a tax levy on land and improvements and providing for the distribution of taxes levied and assessed and providing for a tax rebate for the difference between the tax due and attributable to the year 2007 tax levy over the tax due and attributable to the year 2006 tax levy for qualifying senior citizens. 12/21/06 PASSED by majority vote of 4-3.
25. **Bill No. 35-2006** - An Ordinance establishing the budget for the Municipal Government of the City of Harrisburg for the year 2007. 12/21/06 AMENDED PASSED unanimously.

RESOLUTIONS:

1. **Resolution No. -2006** – A Resolution amending the Rules of Council for the Harrisburg City Council are amended by adding Rule No. 22 entitled Travel Budget.
2. **Resolution No. 45-2006** – A Resolution approving a Preliminary/Final Land Development Application for the construction of a 44,000 square foot warehouse addition to the existing facility Schaedler Yesco Distribution, Inc. located at 1030 South 13th St. Chair placed this item in Community & Economic Dev. Committee for further review on 4/25/06.
3. **Resolution No. -2006** - A Resolution authorizing the transfer of a certain City-owned property located at 124 South Seventeenth Street known as Allison Hill Automotive, to the City of Harrisburg Redevelopment Authority for sale and/or development.
4. **Resolution No. 70-2006** - A Resolution confirming the Mayoral appointment of Mr. Philip L. DiMartile to serve on the Hbg. Authority with a term expiring January 4, 2011. 09/12/06 Chair placed in the Administration Committee. 09/26/06 Chair removed from Agenda.
5. **Resolution No. 72-2006** - A Resolution authorizing the transfer of a certain City owned property located at 124 S. Seventeenth St. to the City of Hbg. Redevelopment Authority

(hereinafter “HRA”) for sale and/or development and remediation. 09/12/06 Chair placed in the Bldg. & Housing Committee. Passed on 11/28/06.

6. **Resolution No.73-2006** - A Resolution confirming the Mayoral appointment of Mr. Fredrick Clark to serve on The Hbg. Authority with a term expiring January 4, 2010. 9/26/06 Chair placed in the Administration Committee.
7. **Resolution No.75-2006** - A Resolution authorizing an increase in the fees to be charged for utilization of the City’s Geographic information system. 09/26/06 Chair placed in Public Works Committee. Amended in Committee to increase proposed fees. Passed on 10/24/06.
8. **Resolution No. 76-2006** - A Resolution authorizing the issuance of a Tax and Revenue Anticipation Note in an amount not to exceed 14 million dollars. 09/26/06 Chair placed in Budget & Finance Committee.
9. **Resolution No.77-2006** - A Resolution authorizing the filing of an Action in Mandamus to compel the Administration’s enforcement of Ordinance 8 of 2006, including but not limited to the prohibition of smoking in all City owned buildings, facilities and vehicles. 10/10/06 Chair placed in Public Safety Committee.
10. **Resolution No.79-2006** - A Resolution appointing Todd E. Mosko to serve on the Harrisburg Authority. 10/10/06 Chair placed in Administration Committee.
11. **Resolution No. 80-2006** - A Resolution appointing Dan T. Deibler to serve on the Harrisburg Authority. 10/10/06 Chair placed in Administration Committee.
12. **Resolution No. 83-2006** - A Resolution to approve the Plan “HOME RUN: The Capital Area’s 10 Year Plan to End Homelessness in the County of Dauphin and the City of Harrisburg”.
13. **Resolution No. 84-2006** - A Resolution authorizing the filing of a proposal for funds with the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania. Submitted to Terri Martini for review 9/14/06. 10/10/06 Chair placed in Community and Economic Development Committee. Passed on 11/28/06.
14. **Resolution No. 85-2006** - A Resolution approving the request of Timothy K. Tindale, to transfer liquor license #R-18685 from Shangri-LA Café, Middletown, Dauphin County into the City of Harrisburg to be utilized at the Box Seat Sports Bar and Café, 1239 Market Street, City of Hbg., Dauphin County. 10/10/06 Voted on and passed unanimously.
15. **Resolution No. 86-2006** - A Resolution denying the application for a Certificate of Appropriateness for the replacement of wooden double-hung windows with vinyl replacement

units including the replacement of the single large double-hung window on the first floor with a pair of smaller double-hung windows located at 1407 Green Street. 10/10/06 Chair placed in Building and Housing Committee. 10/24/06 Tabled until 11-14-06. DENIED Application.

Passed unanimously by city council on 11/28/06.

16. **Resolution No. 87-2006** - A Resolution approving with certain conditions, a historic District Certificate of Appropriateness Application to repair a front porch, construct a privacy fence, and repair a second floor rear porch at 272 Muench Street. 10/10/06 Chair placed in Building and Housing Committee. Passed on 10/24/06.
17. **Resolution No. 88-2006** - A Resolution confirming the Mayoral appointment of Ms. Mary Caufield, R.A. to serve on the Historical Architectural Review Board with a term expiring September 24, 2008.
18. **Resolution No. 90-2006** - A Resolution appointing Matthew A. Zieger to serve on the Harrisburg Authority.
19. **Resolution No. 91-2006** - A Resolution appointing Dellanor L. Young to serve on the Harrisburg Authority.
20. **Resolution No. 94-2006** - A Resolution authorizing the filing of a proposal for funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania, for an Elm Street Program Planning Grant in the amount of \$25,000.
21. **Resolution No. 95-2006** - A Resolution appointing Melanie G. Cook to serve on the Harrisburg Authority.
22. **Resolution No. 97-2006** - A Resolution moved by Mr. Miller and seconded by Ms. Kim authorizing Councilman Dan Miller to act as agent for the City of Harrisburg as sole shareholder of the Harrisburg Civic Baseball Club, Inc., and formally demand said City-shareholders' right to inspect corporate financial documents in accordance with Pennsylvania Business Corporations Law, 15 Pa. C.S.A. Section 1508 (2001). Passed on 11/28/06.
23. **Resolution No. 98 -2006** - A Resolution authorizing the submittal of an application to the Pennsylvania Department of Community & Economic Development's Early Intervention Program under the Distressed Communities Act.

24. **Resolution No. 99-2006** - A Resolution approving a Preliminary/Final Land Development and Subdivision Application of WCI Partners, L.P. to construct a 14 story, 165-foot luxury hotel on the corner of State and Second Sts. 12/21/06 passed by majority vote of 6-1.
25. **Resolution No. 100-2006** - A Resolution appointing Eric Robert Papenfuse to serve on the Harrisburg Authority. Passed.
26. **Resolution No. -2006** - A Resolution selecting the firm of Maher Duessel Certified Public Accountants, to provide independent post financial audits pursuant to Section 1-106.6 of the Codified Ordinances of the City of Harrisburg for the years ending December 31, 2006, December 31, 2007 and December 31, 2008. Passed.
27. **Resolution No. 109-2006** - A Resolution approving the proposed 2006 budget reallocation plan. 12/21/06 TABLED until January 23, 2007 by unanimous vote.
28. **Resolution No. - 2006** - A Resolution approving with certain conditions a Historic District Certificate of Appropriateness to replace wooden windows with aluminum clad wood replacement windows at the property located at 17 North Front Street.
29. **Resolution No. 104-2006** - A Resolution deferring City Council action until no later than January 11, 2007, on the application for a Certificate of Appropriateness to replace wooden windows at the property located at 17 North Front Street. 01/09/07 Passed by unanimous vote.

V. ONGOING ACTIVITIES

The following day-to-day tasks consumed a great deal of Law Bureau staff time:

1. Preparation and filing of mortgages and mortgage satisfactions for the Department of Building and Housing (DBHD) and Harrisburg Redevelopment Authority (HRA).
2. Preparation, filing and researching deeds for DBHD and HRA.
3. Preparation of monthly, semi-annual and annual litigation status reports for risk management, insurance, police accreditation and auditing purposes. This includes all claims filed with the Pennsylvania Human Relations Commission, the Harrisburg Human Relations Commission and the Equal Employment Opportunity Commission.
4. Preparation and notification to City departments of HRA pro tanto settlements, mortgage foreclosures and sheriff sales.
5. Preparation of weekly new bankruptcy case filings dismissed bankruptcy cases and discharged cases.
6. Notification to appropriate insurance carriers of 6-months notices of claim and new lawsuits filed against the City, and maintenance of records of all matters pertaining thereto, including all cases assigned to outside counsel by the City's insurer.
7. In-house drafting of legal opinions and agreements/contracts at the request of the Mayor, City departments and City Council.

VI. TECHNOLOGICAL ADVANCES

The Law Bureau has utilized several internet based programs to assist in the retrieval of research materials, information and data without leaving the office. Some of these are as follows:

1. Public Access to Court Electronic Records (PACER) which is utilized to research bankruptcy information such as performing a report of new bankruptcy cases filed dismissed cases and discharged cases. The ability to access this information allows the City to identify debtors who owe the City money and neglected to include the City as a creditor and thereby not receiving monies that would be due. Also, this allows us to continue collection procedures more expeditiously upon dismissal of a bankruptcy case.
2. Electronic Case Filing (ECF) for the Middle District Court of Pennsylvania allows the City to file documents electronically and check the docket report for cases.
3. Dauphin County=s property information is available online to verify the ownership of property which is more up to date than the City=s information system. Also, if the information in the City=s computer system is the same as that of the County=s, then it is not necessary for Law Bureau staff to make unnecessary trips to the Dauphin County Courthouse to collect information that is duplicate of information already in our possession. Thereby increasing productivity and allowing time to be better utilized. This system also has tax maps, sales history, neighborhood sales information and images.

4. RAMAPO is the Chapter 13 Trustee=s information system. The information that can be ascertained from this program is the debtor=s payment history, monies disbursed to creditors, the amount to be paid to creditor=s and the status of the bankruptcy case.

VII. BUDGET

The Law Bureau's 2006 budget was \$ 424,521:

<u>Budget Category</u>		<u>Total</u>
Personnel		\$ 340,471
Salaries -	\$ 266,826	
Fringe Benefits -	\$ 73,645	
Operating Expenses		\$ 84,050
Communications -	\$ 2,250	
Professional Fees -	\$ 55,800	
Maintenance Contracts -	\$ 0	
Contracted Services -	\$ 5,300	
(Includes tuition for CLE)		
Supplies and expenses -	\$ 20,700	
(Includes treatise updates and WestLaw)		
Capital Outlay		\$ 0
		\$ 424,521

CONCLUSION

The Law Bureau continues to work with all departments within City Government as well as outside agencies and Authorities. The Law Bureau has seen a steady increase in requests from the Office of the City Clerk which has taxed the resources of the Law Bureau.

Respectfully submitted,

Steven R. Dade
City Solicitor